THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22856 of 2006

Dated: 22.11.2006

Between

Seelam Kota Reddy

..... PETITIONER

And

The District Collector, Krishna,
Machilipatnam and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22856 of 2006

ORDER:

The petitioner is resident of Munukulla Village, Tiruvuru Mandal in Krishna District. He is statedly owner of agricultural dry land admeasuring Acs.2.67 cents in survey.No.240, Acs.3.20 cents in survey.No.233/1, 3 & 4 and Ac.0.30 cents in survey.No.233/2 of the said Village. He alleges that the Sarpanch of the Village has proposed to assign the petitioner's land as house sites to poor persons and without conducting any enquiry, the respondents are trying to acquire the land and in furtherance of that, the petitioner is facing a threat of dispossession. Therefore, he filed instant writ petition seeking an appropriate mandamus.

At the stage of preliminary hearing, the learned Assistant Government Pleader for Revenue (General-A) was asked to obtain instructions from the respondents. Though the matter was adjourned twice, the learned Assistant Government Pleader is not able to get instructions from the respondents. Therefore, instead of keeping the matter pending, this writ petition is disposed of observing that if for any public purpose the petitioner's land is required, the respondents have to necessarily initiate action for acquiring the land under the Land Acquisition Act, 1894. It is made clear that if the land which is allegedly owned and possessed by the petitioner or any part thereof is a Government land, the respondents need not proceed under the Land Acquisition Act but the petitioner has to be evicted from the land by following due process of law.

The writ petition with the above observation is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

22.11.2006
Note:
Issue CC in a week.
B/o
DR